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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/003,169 | 11/14/2001 | Matthew G. Markstaller | 450-55438 | 7337 |

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EXAMINER

JENKINS, JERMAINE L

ART UNIT PAPER NUMBER

2855

DATE MAILED: 08/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/003,169

Applicant(s)

MARKSTALLER ET AL.

Examiner

Jermaine Jenkins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claim 2 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The adjustability of the inclined support is not shown in any of the drawings provided by the applicant.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 4, & 6-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsushita in view of Lechtman and Purcell.

Referring to claims 1, 3, 4, & 6-41, Matsushita discloses device for self-propelled vehicles as illustrated in Figure 1 comprising a housing (1) having an air inlet (5) and an air outlet (4) and at least one air mover (7) that creates a flow of air through said housing (1) in the first direction from said air inlet (5) toward said air outlet (4) (Column 2, lines 40-44), and an air diffuser (11) that adjust the amount of air or vapor (Column 5, lines 51-54). Also, Matsushita discloses a plurality of air ducts (3 & 6) being coupled to the test section (1)(Column 2, lines 43-47) while arranged in a generally horseshoe shaped configuration (See Figure 1). However, Matsushita does not disclose a vehicle support positioned at least partially within the housing in

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an inclined support surface which is angled with respect to horizontal and is operable to support the vehicle such that the vehicle is biased toward movement in the first direction, and a force measurer coupled to the vehicle and operable to measure the force resulting from the impact of moving air against the vehicle.

Lechtman discloses a load measurement of a truck as illustrated in Figures 1-5 comprising vehicle supports (116 & 118) that have inclined support surfaces or ramps (112 & 114) for supporting the wheel (14) with the vehicle (12) with respect to the first and second inclinations (16 & 18), which is angled with respect to the horizontal (Column 5, lines 16-20). The force-measuring instrument (102) has two force sensors (120 & 122) located on said inclined support surfaces (112 & 114) (Column 5, lines 20-24). However, Lechtman does not disclose the measurement of force resulting from the impact of moving air against the vehicle.

Purcell discloses a wind tunnel as illustrated in Figures 1-4 comprising a force measurer (18) that is marked with a scale (64), which indicates the impact of moving air against the vehicle (Column 5, lines 57-60).

Therefore it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Matsushita as taught by Lechtman and Purcell to provide a vehicle support that has inclined support surfaces and a force measurer for the sole purpose of artificially creating a state that simulates the conditions encountered by a vehicle when subjected to a cross wind.

Claims 2 & 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsushita in view of Lechtman and Purcell as applied to claims 1, 3, 4, & 6-41 above, and further in view of the following reasons. Claim 2 further differs from Matsushita in view of Lechtman and

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Purcell as modified according to the teaching of an angle of the inclined support being adjustable, however this is notoriously old and a well-known structure for lifting vehicles. Claim 5 further differs from Matsushita in view of Lechtman and Purcell as modified according to the teaching of an incline of the inclined support aligning from about one degree to about five degrees with respect to the amount of degrees held that discovering the optimum or workable ranges involves only routine skill in the art. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide an inclined support surface being adjustable and as well as a range of one degree to about five degrees if desired, for the purpose of providing a convenient/accessible way of raising a vehicle off the ground at a specific degree.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermaine Jenkins whose telephone number is 703-305-3839. The examiner can normally be reached on Monday-Friday 8am-430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Fuller can be reached on 703-308-0079. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7725 for regular communications and 703-305-3839 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3431.

Jermaine Jenkins
A.U. 2855
JJ
August 26, 2002


Benjamin R. Fuller
Supervisory Patent Examiner
Technology Center 2800